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NOTES AND SUGGESTIONS

THE OXFORD MEETING OF 1213

IN the last number of this *Review*¹ Mr. Edward Jenks offers a new explanation of the well-known November summons to a central assembly in 1213, in which he casts doubt upon the force of the enrollment words.

The crux of the interpretation [he says] appears to be in the final words, not of the writ, but of the enrollment. In later times, no doubt, the words, *eodem modo scribitur omnibus vicecomitibus*, would mean that similar writs, with the sole alteration of the address, had been sent to the sheriffs of all the other counties. But can we be sure that, at the beginning of the thirteenth century, the practice had been firmly settled? In other words, can we be quite sure that the writ of November 7, 1213, to the sheriff of Buckingham did not bid him assemble his knights at Buckingham, that to the sheriff of Bedford, at Bedford, and so on?

In substance, Mr. Jenks believes that county meetings were summoned instead of one central assembly at Oxford.

This would mean that it was the practice of the scribe, when he had a number of writs to enroll—alike in substance, but varying slightly to make them appropriate to the several people or localities to which they were to be sent—to follow the sample writ with the simple *eodem modo scribitur* clause and the list of addressees, and keep no record of the variations which the several writs contained. But can it be thus lightly concluded that, after a decade or more of experience, scribes were keeping a roll which was so far from being a complete and informing record? Why do it at all if important entries were to be treated in so slipshod a manner? One cannot read far in the rolls, however, without becoming convinced that, with but very few exceptions, the *eodem modo* clauses must have meant just what they said. The scribes were evidently expected to be literal and painstaking.² This resulted, naturally, in

¹ Vol. XXII., pp. 87–90.

² Occasionally, to be sure, a case will be found in which the necessary variations are so entirely self-evident from the names and locations of the addressees that the scribe followed the dictates of common sense and refrained from vain repetitions. A good illustration of this is the writ sent to the reeve and bailiffs of Bristol. *Rot. Litt. Claus.*, I. 177–178.

two classes of *eodem modo* clauses: one, like that in the writ under discussion, in which there is no indication of different words in the other writs; the other, almost as numerous, in which, after the *eodem modo scribitur*, record is made, either before or after the names of the addressees, of the one or more variations. Picking up the first volume of the *Close Rolls* which came to hand, that for the years 1231-1234, four of the latter class were found in the first thirty pages.³ And that is probably a fair average. But lest this should be thought to belong to the "later times", examination has been made of the *Close Rolls* for the year 1213 itself, and also for 1212 and 1214. This has revealed at least three *eodem modo* clauses with variations for 1212,⁴ five for 1213,⁵ and five for 1214.⁶ While most of these involved the writing of but few words, nearly all seem necessary to make the enrollment accurate and usable. Many of them, as would naturally be the case, are proper names.

Of course this evidence does not prove that the scribe did his work thoroughly in every individual case; and in the case under consideration there is no outside evidence by which to check him. But it does appear to establish such a rule of care and precision as entirely to invalidate Mr. Jenks's main argument.⁷ Furthermore his suggestion was possible only because the sample writ which the scribe entered on the roll happened to be the one sent to Oxford-

³ Pp. 8, 19, 21, 27. The brevity of some of the variations which the scribe yet troubled himself to record is well illustrated by the last of these: *Eodem modo scribitur vicecomiti Sussex, hoc verbo 'teneri' excepto*.

⁴ *Rot. Litt. Claus.*, I. 116 (*bis*), 123. One of these (p. 116) contains merely a change of one place name.

⁵ *Ibid.*, pp. 135, 137 (*bis*), 146, 154.

⁶ *Ibid.*, pp. 142, 162 (*bis*), 166, 202.

⁷ If the scribe, in November, 1213, had had before him a bundle of similar writs of summons designating a variety of meeting-places, he would probably have managed his *eodem modo* clause in somewhat the same way as the scribe in 1235 who had to record the summoning writs, sent through the sheriffs, to the non-feudal abbots and priors of thirty-one counties, and who were to meet at various places and times. *Close Rolls*, 1234-1237, pp. 187-188. The sample writ enrolled was to the sheriff of Oxford and summoned the abbots and priors of that county to Woodstock for a certain day. Then follow these enrollment words: "Eodem modo scribitur vicecomitibus Heref', Glouc', Wigornie, apud Glouc' die Veneris proximo sequente; Dors' et Sumers', apud Bathoniam in festo Sancti Petri ad Vincula; Wilt' et Suht', apud Merleberg' Dominica proximo sequente; Berk' et Buk', apud Rading' in octabis Sancti Petri ad Vincula; In crastino Assumptionis apud Lond', Kancie, Sussex, Midd', Essex' et Hertf', Surr', Norf' et Suff'; Norht', Cantebrigie, Hunt', Bed', et Buk', apud Norhampt', die Martis post festum Sancti Bartholomei; Notingh' et Derb', War' et Leic', Staff' et Salopie, Lincoln', Eboraci, apud Noting' die Dominica in Nativitate Beate Marie." This rather complex enrollment problem seems successfully handled by the scribe, and with no waste of words.

shire, and Oxford was the place set for the meeting. But the scribe did not always choose his sample writ thus. Take the following—also from the year 1213:

Rex Vicecomiti Lond' et Middelsex' etc. Precipimus vobis quod scire faciatis omnibus clericis et viris religiosis de Ballivis vestris qui summoniti fuerunt venire coram nobis apud Norhamt' a die Sancte Trinitatis in XV. dies quod ad diem illum illuc non veniant quia eis ad presens parcimus. Ita quod ibi sint eodem modo in crastino Sancti Petri ad Vincula. Teste me ipso apud Lameh', XV. die Maii. Eodem modo scribitur omnibus Vicecomitibus Anglie.⁸

Here the sample writ is to Middlesex, but the place of meeting was Northampton. The *eodem modo* clause at the end forces the conclusion that some kind of assembly of clergy from all the shires was expected to take place at Northampton. This is but one among other proofs that concentration, on either a large or a small scale, was a well-understood royal device for transacting business at this time. And it is necessary in this connection to point out the error of Mr. Jenks's statement, "that the alleged council at Oxford, if it ever took place in the representative form suggested by Dr. Stubbs, would have been an anticipation, by forty years, of the first representative assembly of which we have actual records". Not by forty years, but by fourteen, if indisputable summoning writs be deemed "actual records", for in 1227, not 1254, was summoned the first representative central assembly.⁹

The next point raised, the shortness of time between the sending of the writs and the day of meeting, constitutes a real difficulty. But it seems to be fairly well met in the discussions and references in Miss Levett's recent article on this same writ.¹⁰ To these, indeed, Mr. Jenks refers; but they do not appear to satisfy him, though he does not elaborate the point.

A further reason for questioning a central-assembly intent in this instance lies in the fact that no record of the meeting is to be found in the chronicles—"it seems somewhat unlikely that a Council, of the novelty assumed, should be passed over in silence by the chroniclers". But contemporaries would not have spelled this council—or perhaps any other—with a capital. Is there in Mr. Jenks's comment here a hint of the old attribution of prophetic insight to the men of the thirteenth century? It is so hard to think that they did not know that Parliament was being made. But the

⁸ *Rot. Litt. Claus.*, I. 129-130.

⁹ For a discussion of this and other early cases of concentration, see *American Historical Review*, XIX. 735-750.

¹⁰ *English Historical Review*, XXXI. 85-90.

only thing they saw, if the November meeting were actually held, was concentration at the king's bidding and to do the king's business. And such concentration was not new, even in 1213. No chronicle recorded the central representative assembly of 1227, yet there is no possibility of doubting, in this case, that such an assembly was intended and summoned. And the "novelty" in Simon de Montfort's famous parliament appears to have been mentioned in but one of the many chronicles of that time¹¹—there, incompletely, incorrectly, and as of no special interest, the reason being that the novelty was not great and the potentialities of this and other beginnings unguessed. But even the belief that the 1213 meeting was not held is no good reason for concluding that it was not summoned, especially in that disordered and capricious reign. Has there not been, in fact, a traditional doubt among scholars as to its actual assembling which has carried with it little or no doubt about the summons? A summons, recorded at the time, upon the official roll is a hard thing to get around.

In speaking of the military part of the writ, Mr. Jenks frankly admits at the end of his article that "an army dispersed among thirty-seven different centres is not of much military value". This is very true and seems a sufficient argument, taken by itself, to overthrow his thesis. The suggestion follows that "John may well have hesitated, in view of his quarrel with the barons, to summon the whole feudal force of the country to a single spot". Well and good—then he might have cancelled his summons as he had done before, or not have sent it in the first place. The suggestion does not make it seem any more probable that, because he feared to summon them all to one place, he summoned thirty-seven separate and wholly useless musters. But let it be remembered also that the "whole feudal force" was not to be there *with arms*. The barons were to be there without arms and also the groups of four knights. What body of knights, then, could it have been that was to come armed? In all probability the minor tenants-in-chief; and, if so, the four knights coming for the county *ad loquendum*, etc., were sub-tenants. This is roughly analogous to the well-known summons of 1254, in which the whole body of tenants-in-chief, *cum equis et armis parati*, was to be at London three weeks after Easter, while the two representative knights of each county, who must needs have been sub-tenants, were to be at Westminster two weeks after Easter. What took place, then, in the fall of 1213 would seem to have been this: Some time before November 7 the king had sent to the sheriffs writs order-

¹¹ *Liber de Antiquis Legibus*, p. 71.

ing a military muster of the minor tenants-in-chief—no unusual thing. This was followed by the supplementary writ under discussion, which summoned for the same date a meeting of the great council (*corpora vero baronum sine armis similiter*), and also four knights from each shire. These last must have been expected to furnish local information, as so often later; or possibly they were to be instructed in some local job. But for many years it had been the custom of small groups of appointed or elected knights to act for the shires in various capacities, and this always at the king's instance; also the device of concentration had been used. Hence for the king to summon four knights from each shire (four was the number in 1227) to meet at one place is no matter of surprise. Indeed there is nothing along this line to explain away. The writ makes good sense (now that Miss Levett has pointed out that knights and not "men" were summoned), and fits in with the known ideas and practices of the time if it be taken just as it stands and its language interpreted in the most natural way.

It is interesting to notice that the king was at Oxford on the day set for this meeting and on the two days following, November 15-17.¹² Was this chance or was there something of special importance happening at Oxford on these days, something more than a county meeting? An examination of John's itinerary throughout the reign shows that Oxford was far from being a favorite stopping place.

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CIPHERS OF THE REVOLUTIONARY PERIOD

DURING the Revolutionary period cipher was employed extensively not only in public correspondence where secrecy was especially important but in the private correspondence of public men as well. It is true that most of the letters written in cipher that have come down to us are accompanied by some form of translation, oftenest an interlinear decipherment by the recipient; yet the quantity of writing that has remained undeciphered is in the aggregate considerable. There are, for instance, numerous undeciphered passages in the published writings of Jefferson, Madison, and Monroe, as well as in letters of theirs that have not been printed.¹

¹² See Sir Thomas Duffus Hardy's "Itinerary of King John" prefixed to the *Rotuli Litterarum Patentium*.

¹ This note is not to be understood as in any sense a complete exposition of the use of cipher in the Revolutionary period, some of the examples referred to being indeed merely incidents of an investigation which has had, naturally, considerable ramifications.